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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,558	08/30/2001	Mamoru Shimoda	2936-0134P	6110
2292	7590	10/18/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/941,558

Applicant(s)

SHIMODA, MAMORU

Examiner

Michael Van Handel

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 9/25/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



**CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Continuation of 3. NOTE: The applicant amended claim 1 to include "a tuning device for selecting a frequency of a radio-frequency signal to receive" and "based directly on the selected frequency." The applicant amended claim 3 to include "a tuning device for selecting a frequency of a radio-frequency signal to receive," "based directly on the selected," "outputs a first control signal for controlling," and "outputs a second control signal for controlling." Claim 9 was amended to be an independent claim reciting "a method of controlling a radio-frequency receiver comprising the steps of: selecting a frequency for receiving a radio-frequency signal, generating a local signal using a local signal generator, providing a mixer for mixing a received radio-frequency signal with the local signal to convert the radio-frequency signal into an intermediate-frequency signal or baseband signal, and controlling an output signal level of the local signal generator based directly on the selected frequency" in addition to the previously recited dependent limitation. Claim 11 is new and recites the previously unconsidered limitations "providing a level switching circuit for controlling an output level of the local signal generator independently of the frequency of a received radio-frequency signal and controlling the level switching circuit to set a first output level of the local signal generator when a first frequency is selected for reception and to set a second output level of the local signal generator, different from the first output level, when a second frequency is selected for reception." The amendment therefore raises new issues and requires further consideration and/or search.

Regarding claims 1, 5, and 9, the applicant argues that Yonekura et al. does not teach sufficient motivation for adding a frequency multiplier to a voltage controlled oscillator in order to reduce power consumption. The examiner respectfully disagrees. The examiner acknowledges the applicant's argument that Yonekura et al. discloses that the presence of a frequency multiplier causes problems, namely, the degradation of the carrier to noise ratio; however, this was not the portion of Yonekura et al. cited by the examiner in support of the motivation. Yonekura et al. further states that it is understood that the generated frequency should be as high as possible to reduce the multiplication factor. This, however, necessitates a high operation frequency of a prescaler included in the phase locked loop. When put in operation at high frequency, the prescaler must be supplied with a high voltage. This results in an undesirable increase in power consumption of the radio receiver (col. 1, l. 60-67). Since Yonekura et al. discloses a problem (that the prescaler must be supplied with a high voltage) related to generating high frequencies with a reduced multiplication factor, and further states that this increase in power consumption is "undesirable," the examiner maintains that Yonekura et al. discloses sufficient motivation for including a frequency multiplier in a radio-frequency receiver.